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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2005-1571

**ANDREA KRISHNA JAMES, AKA
ANDREA KRISHNA ROBERTS
P.O. Box 641913
Los Angeles, CA 90064
Vocational Nurse License No. VN 165814**

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about January 14, 1994, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 165814 to Andrea Krishna James, aka Andrea Krishna Roberts, (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2011, unless renewed.

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1 "(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code,
2 or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a
3 manner dangerous or injurious to himself or herself, any other person, or the public, or to the
4 extent that the use impairs his or her ability to conduct with safety to the public the practice
5 authorized by his or her license.

6 "

7 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
8 hospital, patient, or other record pertaining to narcotics of dangerous drugs as specified in
9 subdivision (b)."

10 REGULATORY PROVISIONS

11 8. Title 16, California Code of Regulations ("CCR"), section 2518.6 states in pertinent
12 part:

13 "(a) A licensed vocational nurse shall safeguard patients'/clients' health and safety by
14 actions that include but are not limited to the following:

15 "

16 "(2) Documenting patient/client care in accordance with standards of the professions"

17 9. Title 16, CCR, section 2521 states in pertinent part:

18 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
19 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
20 considered to be substantially related to the qualification, functions or duties of a licensed
21 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
22 vocational nurse to perform the functions authorized by his license in a manner consistent with
23 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those
24 involving the following:

25 "

26 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
27 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
28 Business and Professions Code.

1 "

2 "(f) Any crime or act involving the sale, gift, administration, or furnishing of "narcotics or
3 dangerous drugs or dangerous devices" as defined in Section 4022 of the Business and
4 Professions Code."

5 **COST RECOVERY**

6 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **CONTROLLED SUBSTANCES**

11 11. "Hydromorphone Hydrochloride" or "Dilaudid" is a Schedule II controlled substance
12 as defined in Health and Safety Code section 11055, subdivision (b)(1)(k), and is categorized as a
13 dangerous drug pursuant to section 4022.

14 12. "Meperidine Hydrochloride" or "Demerol" is a Schedule II controlled substance as
15 defined in Health and Safety Code section 11057, subdivision (d)(3), and is categorized as a
16 dangerous drug pursuant to section 4022.

17 13. "Morphine" or "Morphine Sulfate" is a Schedule II controlled substance as defined in
18 Health and Safety Code section 11055, subdivision (b)(1)(m), and is categorized as a dangerous
19 drug pursuant to section 4022.

20 14. "Hydrocodone/APAP" or "Vicodin" is a Schedule II controlled substance as defined
21 in Health and Safety Code section 11056, subdivision (e)(4), and is categorized as a dangerous
22 drug pursuant to section 4022.

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1 c. On or about February 8, 2006, Respondent unlawfully possessed the controlled
2 substances Meperidine, Morphine, and Hydrocodone. At 11:05 a.m. Respondent withdrew
3 Morphine 10mg/1ml Injection from the Omnicell machine for Patient "EM." At 11:39 a.m.
4 Respondent withdrew Meperidine 75mg Injection from the Omnicell machine for Patient "EM."
5 At 2:47 p.m. Respondent withdrew another Meperidine 75mg Injection from the Omnicell
6 machine for Patient "EM." At 4:18 p.m. Respondent withdrew two (2)
7 Hydrocodone/APAP/5/500mg Tabs from the Omnicell machine for Patient "EM." At 4:22 p.m.
8 Respondent withdrew Morphine 10mg/1ml Injection from the Omnicell machine for Patient
9 "EM." At 4:53 p.m. Respondent withdrew Meperidine 75mg Injection from the Omnicell
10 machine for Patient "EM." There was a physician order for Morphine 10mg/1ml Injection and a
11 physician order for Hydrocodone/APAP/5/500mg two (2) Tabs, both for Patient "EM."
12 Respondent did not document administration of any Meperidine, Morphine, or Hydrocodone
13 tablets to Patient "EM." This left 225mg of Meperidine, 20mg of Morphine, and two (2)
14 Hydrocodone/APAP/5/500mg tablets unaccounted for.

15 d. On or about February 8, 2006, Respondent unlawfully possessed the controlled
16 substance Meperidine. At 12:37 p.m. Respondent withdrew Meperidine 75mg Injection from the
17 Omnicell machine for Patient "VG." There was a physician order for Meperidine 75mg Injection
18 Q3H PRN pain for Patient "VG" but Respondent did not document administration of any
19 Meperidine to Patient "VG." This left 75mg of Meperidine unaccounted for. Patient "VG" was
20 discharged from WMMC on or about January 31, 2006.

21 e. On or about February 8, 2006, Respondent unlawfully possessed the controlled
22 substance Meperidine. At 12:38 p.m. Respondent withdrew Meperidine 50mg Injection from the
23 Omnicell machine for Patient "MW." There was no physician order for Meperidine for Patient
24 "MW" and Respondent did not document administration of Meperidine to Patient "MW." This
25 left 50mg of Meperidine unaccounted for.

26 f. On or about February 8, 2006, Respondent unlawfully possessed the controlled
27 substance Meperidine. Respondent made withdrawals of Meperidine 75mg Injection at 2:48
28 p.m., 3:17 p.m., and 4:00 p.m. from the Omnicell machine for Patient "RG." There was no

1 physician order for Meperidine for Patient "RG" and Respondent did not document
2 administration of any Meperidine to Patient "RG." This left 225mg of Meperidine unaccounted
3 for.

4 g. On or about February 8, 2006, Respondent unlawfully possessed the controlled
5 substance Meperidine. At 3:16 p.m. Respondent withdrew Meperidine 75mg Injection from the
6 Omnicell machine for Patient "TH." There was no physician order for Meperidine for Patient
7 "TH" and Respondent did not document administration of Meperidine to Patient "TH." This left
8 75mg of Meperidine unaccounted for.

9 h. On or about February 8, 2006, Respondent unlawfully possessed the controlled
10 substance Meperidine. At 5:57 p.m. Respondent withdrew Meperidine 75mg Injection from the
11 Omnicell machine for Patient "MG." There was no physician order for Meperidine for Patient
12 "MG" and Respondent did not document administration of Meperidine to Patient "MG." This left
13 75mg of Meperidine unaccounted for.

14 i. On or about February 8, 2006, Respondent unlawfully possessed the controlled
15 substance Meperidine. At 6:26 p.m. Respondent withdrew Meperidine 50mg Injection from the
16 Omnicell machine for Patient "JW." At 6:41 p.m. Respondent withdrew Meperidine 75mg
17 Injection from the Omnicell machine for Patient "JW." There was a physician order for
18 Meperidine 50mg "as directed" for Patient "JW". Respondent did not document administration
19 of Meperidine to Patient "JW." This left 125mg of Meperidine unaccounted for.

20 j. On or about February 8, 2006, Respondent unlawfully possessed the controlled
21 substance Meperidine. At 6:43 p.m. Respondent withdrew Meperidine 75mg Injection from the
22 Omnicell machine for Patient "ER." There was no physician order for Meperidine for Patient
23 "ER" and Respondent did not document administration of Meperidine to Patient "ER." This left
24 75mg of Meperidine unaccounted for.

25 k. On or about February 8, 2006, Respondent unlawfully possessed the controlled
26 substance Meperidine. At 1:48 p.m. Respondent withdrew Meperidine 75mg Injection from the
27 Omnicell machine for Patient "JE." There was no physician order for Meperidin for Patient "JE"
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1 and Respondent did not document administration of Meperidine to Patient "JE." This left 75mg
2 of Meperidine unaccounted for.

3 l. On or about February 7, 2006, Respondent unlawfully possessed the controlled
4 substance Hydromorphone. At 12:29 p.m. Respondent withdrew Hyrdromorphone 2mg Injection
5 from the Omnicell machine for Patient "EG." At 6:54 p.m. Respondent withdrew another
6 Hydromorphone 2mg Injection from the Pyxis machine for Patient "EG." There was a physician
7 order for Hydromorphone 2mg Injection IM Q4h PRN pain for Patient "EG." Respondent did
8 document the administration of Hydromorphone 2mg Injection to Patient "EG" at 1:23 p.m. but
9 there is no documentation of administration for the second dose Respondent withdrew from the
10 Omnicell. This left 2mg of Hydromorphone unaccounted for.

11 m. On or about February 7, 2006, Respondent unlawfully possessed the controlled
12 substance Meperidine. Respondent made withdraws of Meperidine 75mg Injection at 1:37 p.m.,
13 3:52 p.m., 5:50 p.m., 6:18 p.m., and 6:48 p.m. from the Omnicell machine for Patient "MM."
14 There was no physician order for Meperidine for Patient "MM" and Respondent did not
15 document administration of any Meperidine to Patient "MM." This left 375mg of Meperidine
16 unaccounted for.

17 n. On or about February 7, 2007, Respondent unlawfully possessed the controlled
18 substance Meperidine. Respondent made withdraws of Meperidine 50mg Injection at 3:21 p.m.,
19 5:51 p.m., 6:19 p.m., and 6:47 p.m. from the Omnicell machine for Patient "MP." There was a
20 physician order for Meperidine 50mg Injection Q3h PRN for Patient "MP" but Respondent did
21 not document administration of any Meperidine to Patient "MP." This left 200mg of Meperidine
22 unaccounted for.

23 o. On or about February 7, 2006, Respondent unlawfully possessed the controlled
24 substances Meperidine and Hydromorphone. At 3:49 p.m. Respondent withdrew Meperidine
25 50mg Injection from the Omnicell machine for Patient "AB." At 3:50 p.m. Respondent withdrew
26 a second Meperidine 50mg Injection from the Omnicell machine for Patient "AB." There was no
27 physician order for Meperidine for Patient "AB" and Respondent did not document
28 administration of Meperidine for Patient "AB." At 3:51 p.m. Respondent withdrew

1 Hydromorphone 2mg Injection from the Omnicell machine for Patient "AB." At 7:56 p.m.
2 Respondent withdrew a second Hydromorphone 2mg Injection from the Omnicell for Patient
3 "AB." There was a physician order for Hydromorphone 2mg Injection Q4H PRN Pain for Patient
4 "AB" but Respondent did not document administration of Hydromorphone to Patient "AB." This
5 left 100mg of Meperidine and 4mg of Hydromorphone unaccounted for.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unlawful Use of Controlled Substances)**

8 17. Respondent is subject to disciplinary action under section 2878, subdivision (a), as
9 defined by CCR title 16, section 2521, subdivisions (c) and (f), in conjunction with section
10 2878.5, subdivision (b), on the grounds of unprofessional conduct for use of dangerous drugs in
11 violation of law. The circumstances are that on or about February 6, 2006, during Respondent's
12 assignment as a nurse at WMMC, Respondent was observed by Registered Nurse Louella Miguel
13 and Registered Nurse Grace Plarizan to be standing next to the Omnicell machine with a bleeding
14 hand. Respondent also had unsteady balance while washing her hands, an unsteady gait, and
15 appeared to be drowsy. When asked what happened Respondent replied that she pricked herself
16 with a needle.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Falsifying Entries in Hospital or Patient Records)**

19 18. Respondent is subject to disciplinary action under section 2878, subdivision (a), as
20 defined by CCR title 16, section 2518.6, subdivision (a)(2), in conjunction with section 2878.5,
21 subdivision (e), for falsifying entries in hospital and patient records pertaining to narcotics or
22 dangerous drugs. The circumstances are as follows:

23 a. On or about February 7, 2006, at 2:05 p.m., Respondent withdrew two (2)
24 Hydrocodone/APAP/5/500mg Tab from the Omnicell machine for Patient "JG." There was a
25 physician order for Hydrocodone/APAP5/500mg Tab – 2 tabs Q6H PRN Pain for Patient "JG."
26 Respondent documented the administration of Hydrocodone 2 tablets to Patient "JG" at 1:55
27 p.m., which was 10 minutes before she withdrew the medication from the Omnicell machine.

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1 b. On or about February 7, 2006 at 2:06 p.m, Respondent withdrew Two (2)
2 Hydrocodone/APAP/5/500mg Tab from the Omnicell machine for Patient "MP." There was a
3 physician order for Hydrocodone/APAP/5/500mg Tab – 2 tablets Q3H PRN Pain for Patient
4 "MP." Respondent documented the administration of Hydrocodone 2 tablets to Patient "MP" at
5 1:58 p.m., which was 8 minutes before she withdrew the medication from the Omnicell machine.

6 c. On or about February 7, 2006 at 6:16 p.m., Respondent withdrew 2
7 Hydrocodone/APAP/5/500mg Tab from the Omnicell machine for Patient "RF." There was a
8 physician order for Hydrocodone/APAP/5/500mg Tab – 2 tablets Q6H PRN Pain for Patient
9 "RF." Respondent documented the administration of Hydrocodone to Patient "RF" at 6:10 p.m.,
10 which was 6 minutes before she withdrew the medication from the Omnicell machine.

11 d. Complainant refers to and incorporates all the allegations contained in paragraph 16,
12 subparagraphs a-o, as though set forth fully.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Commission of Acts Involving Dishonesty)**

15 19. Respondent is subject to disciplinary action under section 2878, subdivision (j), for
16 committing acts involving dishonesty. Complainant refers to and incorporates all the allegations
17 contained in paragraph 16, subparagraphs a-o, and paragraph 18, subparagraphs a-c, as though set
18 forth fully.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
22 issue a decision:

23 1. Revoking or suspending Vocational Nurse License Number VN 165814, issued to
24 Andrea Krishna James, aka Andrea Krishna Roberts;

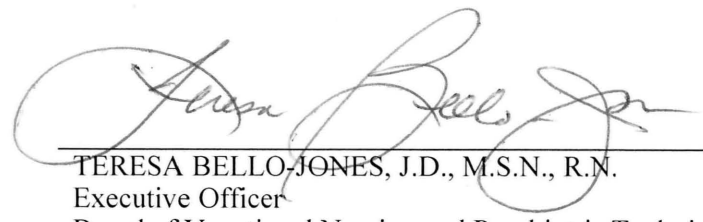
25 2. Ordering Andrea Krishna James, aka Andrea Krishna Roberts, to pay the Board of
26 Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and
27 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 19, 2011



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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